

III. REMARKS

Claims 16-22 are pending in this application. By this amendment, claim 16 has been amended. Applicants are not conceding in this application that any claim is not patentable over the art cited by the Office, as the present claim amendment is only for facilitating expeditious prosecution of the subject matter. Applicants do not acquiesce in the correctness of the rejections and reserves the right to present specific arguments regarding any rejected claims not specifically addressed herein. Further, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 16, 19-22 are rejected under § 103(a) as allegedly being unpatentable over Alcorn (US 2004/0153509, hereinafter, “Alcorn”) in view of Bjornestad et al (US Pat. No. 7,003,576, hereinafter, “Bjornestad”), and further in view of Parker (US 2003/0207245, hereinafter, “Parker”); and claims 17 and 18 are rejected under § 103(a) as allegedly being unpatentable over Alcorn, Bjornestad, and Parker and Ohkubo and further in view of Official Notice.

With respect to the rejection of independent claim 16 over Alcorn, Bjornestad and Parker, Applicants assert that the references, singly or in combination, do not teach each and every feature of the claimed invention, including, for example, “wherein the applicable content server is determined based on a geographic proximity of a student.”

Interpreting Alcorn and Bjornestad for purposes of this response only, Applicant asserts that neither Alcorn nor Bjornestad disclose the use of physically separate content servers, and making a determination based on a student’s geographic location of which is the applicable content server to be accessed. In fact, the Office has admitted that Alcorn and Bjornestad do not

disclose a set of content servers that are physically separate from the authoring module and the learning management server. (Office Action, p. 5). Instead, the Office points to Parker for disclosure of this claimed element. Applicants respectfully disagree. Parker simply discloses the use of “one or more web servers, application servers and media servers interconnected via a network, such as a local area network (LAN), which in turn, is coupled to the Internet.” [0021]. Parker does not disclose content servers, authoring modules and learning management servers, as claimed in the claimed invention, that are physically separate from each other. Nor does Parker disclose, as the amended claims recite, that the applicable server is determined by a student’s geographic location. As such, Applicants submit that the cited references do not show each and every claimed feature of claim 16, and therefore request that the rejection be withdrawn.

With respect to the rejection of claims 17 and 18, Applicants object to the use of Official Notice as a basis for the rejection of those claims. Applicants assert that the Office’s factual assertion is not properly based upon common knowledge. Accordingly, Applicants respectfully request that the Office support the finding with references that show these features.

With respect to dependent claims 17-22, Applicants respectfully submit that these claims are allowable for reasons stated above relative to independent claim 16, as well as for their own additional claimed subject matter. Accordingly, Applicants respectfully request that the Office withdraw the rejections under 35 U.S.C. § 103(a) to dependent claims 17-22.

IV. CONCLUSION

In addition to the above arguments, Applicants submit that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicants do not acquiesce to the Office’s interpretation of the claimed subject matter or the references used in

rejecting the claimed subject matter. Additionally, Applicants do not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicants reserve the right to present such arguments in a later response should one be necessary.

In light of the above, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,

Date: September 11, 2008

/Meghan Q. Toner/
Meghan Q. Toner
Reg. No. 52,142

Hoffman, Warnick LLC
75 State Street, 14th Floor
Albany, NY 12207
(518) 449-0044
(518) 449-0047 (fax)